

Naples City Council

August 13, 2015

Minutes

The regularly scheduled meeting of the Naples City Council was held August 13, 2015, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds. Robert Hall was absent.

COUNCIL MEMBERS ATTENDING

Others attending were Ray Nash, Jim Harper, Mark Watkins, Joshua Bake, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval. Dan Olsen **moved** to approve the agenda. Gordon Kitchen **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

Mayor Baker presented the minutes of the July 23, 2015 regular City Council meeting for approval. Dennis Long **moved** to accept the minutes. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Gordon Kitchen asked about the vacant lots with the existing exposed foundations. Joshua Bake said that Mr. Peterson has been investigating the blue house and said he was not sure about the others but he would check with Dale on those. Councilman Kitchen said that people living near by have asked him about them and he felt it is time that something should be done.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Joshua Bake said the fill dirt for the lot on 1900 South came up at a previous meeting and he did want them to know that he has talked with BHI and they are stockpiling the dirt from

the excavation of the fire station and they can use it for the lot if needed.

Connie Patton presented the bills in the amount of \$39,980.68. Dennis Long **moved** to approve \$39,980.68. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application was received from Southam Inspections located at 2982 S 670 E. Joshua Bake stated this would be a home based business and Dale Peterson recommended approval of the license. Gordon Kitchen **moved** to approve the business license. Kenneth Reynolds **seconded** the motion.

Joshua Bake reported that a petition from Ray Nash came before the Planning Commission and it was an ordinance change that would affect the whole City so public hearings were held to allow for comment on the proposed changes. Joshua said the Planning Commission has held many discussions on this matter and gone back and forth of what their desires are on this. Joshua said the recommendation from the Planning Commission was to make a couple of changes. The first change was to remove the 2009 International Fire code and to make it the 'most currently adopted code.' The second was to allow for reducing the minimum street width in certain situations and it would need to be approved by the Land Use Administrator. Joshua listed the criteria for when those changes might be granted.

1. The reduction is justified by a special consideration such as topography.
2. The reduction has been specifically approved by the Fire Marshall.
3. The length of the street or portion thereof is less than 0.1 mile.
4. No parking is allowed on the reduced section and no parking signs shall be posted on the

APPROVAL OF THE BILLS

BUSINESS LICENSE APPROVAL

CONSIDERATION TO ADOPT CHANGES TO CHAPTER 02-31-014 DESIGN STANDARDS, AREA AND ACCESS REQUIREMENTS OF THE LAND USE ORDINANCE

- reduced section.
5. The asphalt width may not be reduced to less than 26 feet.
 6. The reduced roadway width shall not satisfy the required frontage for the lot.

Joshua stated the changes have been reviewed by City Attorney Dennis Judd who didn't have any problem with the wording. Councilman Kitchen questioned the first criteria and wanted to know if they needed to leave out the words "such as." Councilman Olsen said safety might be a consideration. Mr. Nash said there was a list of other things that might be appropriate for it like irrigation lines or utility lines. Joshua said they need to be cautious because it can open it up to so much more. Councilman Kitchen said he doesn't really have a problem with the way it was written, he just had a question on it. With no other discussion, Dan Olsen **moved** to adopt Ordinance 15-173. Kenneth Reynolds **seconded** the motion.

At this point Chris Clark, a member of the Planning Commission, arrived at the meeting and Mayor Baker explained where they were on the agenda and told Mr. Clark about the question they had on only listing topography as one of the considerations for reducing a road width. Mr. Clark didn't have anything to add to the discussion.

The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Joshua Bake said this issue has also been before the Planning Commission for a couple of months. He said they have tried to work out the benefit to the City and also tried to get some legislative intent into the code. He explained this ordinance revolves around when an industrial zone abuts a residential use. He said the current ordinance reads that they must construct a 6' ornamental masonry wall. He said there has been some concern about the beneficial use of the industrial zones and what is the intent of why different fences are recommended to separate properties. Joshua said he gave Council members two versions of the proposed changes to this section of the Land Use Ordinance. He said

***CONSIDERATION TO
ADOPT CHANGES TO
CHAPTER 02-28-005
INDUSTRIAL ZONE
SPECIAL PROVISIONS OF
THE LAND USE
ORDINANCE***

the first version is what the Planning Commission discussed and agreed to, the second version has some minor wording changes after a discussion with Mr. Judd. Joshua explained one of the changes was "the Planning Commission determines" which was changed to "the Planning Commission makes a finding." He said it is a better legal term for how the Planning Commission arrives at their decision. Joshua said they also added a quick way for a person to appeal a decision if they are denied. Joshua read the changes to the ordinance and said it was crafted to give the intent of the Planning & Zoning. He said in the past the ordinance has required a six-foot ornamental masonry wall and the change now reads "When any industrial use adjoins any residential use, the owner of the industrial property shall provide and maintain along such property line a minimum six-foot aesthetically pleasing, vision obscuring, privacy fence or all of a neutral color, with a minimum 90% fill to afford privacy for the residential dwelling. The fence shall be installed so as not to create a safety hazard for vehicular and pedestrian traffic. Where the Planning Commission makes a finding that such a fence is not necessary, or in the best interest of the public, the Planning commission may alter or waive the fence requirement. If a party disputes the findings of the Planning Commission, they may appeal the decision to the Naples City Council." Joshua said the Planning Commission decided the intent of the ordinance was to provide privacy and safety between the two properties and that is why they changed the requirements on the fence. Councilman Kitchen asked about the term privacy. He said privacy normally means vision but he said it can also mean noise. He said the masonry fence was to protect from the noise of industrial business where a privacy screened fence doesn't afford that. Joshua said they did discuss that and tried to decide if even a masonry fence offered that sound proofing. Chris Clark from the Planning Commission shared his thoughts from the discussions held during the Planning Commission meeting on this subject. He said the comments during the public hearing on this matter dealt with people wanting a break between businesses to obscure or protect from lighting, to control the dust, as well as sound. Mr. Clark said the issue came up because there was a business that wanted to put up a fence but when they realized what the City's requirements were they decided to just not build a fence. Mr. Clark felt if the option were given to allow for a less expensive fence that provided at least for vision obscuring then it would at least get rid of a majority of the issues raised. He said noise is never going to be gone.

He said there would be more of chance to provide for the screening if someone can afford to do it. Councilman Reynolds said there has been a lot of discussion on this matter and he feels good about it so he **moved** to approve Ordinance 15-170 version two. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Absent

Dennis Long **moved** to convene into a meeting of the Local Building Authority of Naples City to authorize payment to B.H.I. for the Naples fire station. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***MOTION TO CONVENE
INTO LOCAL BUILDING
AUTHORITY OF NAPLES
CITY TO AUTHORIZE
PAYMENT TO B.H.I.***

Dan Olsen **moved** to convene back into regular city council meeting. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

***RECONVENE BACK INTO
REGULAR CITY COUNCIL
MEETING.***

Joshua Bake reported the emergency access road connecting Pheasant Run Estates to High County has been completed. He said Mr. Peterson has inspected the road and found it does satisfy the requirements of the contract. Joshua stated that Mr. Heywood prepared a deed of conveyance for the Mayor to sign releasing the Park City property but Mr. Judd told him the Mayor can sign a request for a deed of conveyance but the deed has to be signed by the trustee. Joshua said they would essentially be giving authority to the Mayor to sign the necessary paperwork to request a deed of reconveyance for the property the City holds in trust for Pheasant Run Estates. Councilman Kitchen stated he would approve giving the Mayor the authority to sign the request, and the wording for the motion was provided by Dennis Judd. Gordon Kitchen **moved** to have the Mayor sign the request for deed of reconveyance asking the trustee to sign the deed of reconveyance and indicating that the obligation secured by the deed of reconveyance has been paid in full or completed in accordance with the terms of the agreement. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye

***CONSIDER REQUEST TO
RELEASE PARK CITY
PROPERTY TO PHEASANT
RUN ESTATES ONE, LLC***

Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Absent

Jim Harper presented an expenditure amount for approval. Jim stated the contractor came and sealed the portion of 2500 South that was repaired after the road was initially sealed by the Transportation District. Jim said they were charged a mobilization fee for them to come back and do that. The charge was \$750. Gordon Kitchen **moved** to approve the \$750 to seal the road. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***MOTION TO APPROVE
EXPENDITURE TO SEAL
REPAIR ON 2500 SOUTH***

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Council members were informed that a meeting was held with the City employees who are currently on the URS contributory system. The meeting was held to discuss how switching to the URS noncontributory system would affect them and what their options would be if the City switches. Mayor Baker attended the meeting and said there are only twenty-eight cities still in the contributory system. He stated that none of the employees stated they didn't want to make the switch. He recommended the Council go the route of switching to the noncontributory system. Dennis Long **moved** to approve Resolution 15-280. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

***ELECTION TO BECOME A
PARTICIPATING
EMPLOYER IN THE
PUBLIC EMPLOYEES'
NONCONTRIBUTORY
RETIREMENT SYSTEM***

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chief Watkins submitted a travel request for three of his officers to attend training in Sandy Utah for advanced drug interdiction in rural areas. The requested amount was \$987. Dan Olsen **moved** to approve the request. Dennis Long **seconded** the motion. The motion passed as follows:

***TRAVEL APPROVAL FOR
POLICE DEPARTMENT***

Robert Hall	Absent
Dan Olsen	Aye

Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Joshua Bake submitted a request to attend the ULCT annual convention. Joshua stated he would try and stay with family but might not be able to this time so he put down \$100 per night for lodging. The total amount submitted was \$1,025. Kenneth Reynolds **moved** to approve the travel. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***TRAVEL REQUEST FOR
CITY ADMINISTRATOR***

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Absent

Mayor Baker stated he would also like to attend the ULCT conference. He said he did not fill out a travel request yet but thought the amount should be similar to Joshua's request. Dennis Long **moved** to approve the same amount for travel for the Mayor as Joshua. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***TRAVEL REQUEST FOR
MAYOR***

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mayor Baker said he received notice that they were looking for someone to sit on the Board for the ULCT. He said one of the open positions was specifically for the Dagget, Uintah and Duchesne County areas. None of the Council members felt they had the time necessary to serve. Council members suggested nominating Councilman Hall. Mayor Baker said he would keep the form and think about it.

***OTHER MATTERS OR
FUTURE COUNCIL
MATTERS***

Joshua told the Council the Uintah Basin Energy Summit was coming up and asked if any of the Council members wanted him to register them for it. He asked them to check their schedules and get back with him

Council members were given a questionnaire from the Basin Transit Association (BTA). They discussed where they would like to see the BTA expand services and how the needs of

the people in this area could be better served. Councilman Kitchen said he would like to see the BTA in more of the residential areas. He stated most people have to go quite a ways to reach one of the stops and they are not located in convenient places for those who don't drive. Councilman Long said at least one stop in Naples would be a good place to start.

Dennis Long **moved** to adjourn the City Council meeting at 8:30 p.m. Kenneth Reynolds **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 27th DAY OF AUGUST 2015

BY: _____

ATTEST: _____